

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 940**

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**Introduced by Assembly Member Morrell**

February 22, 2013

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~~An act to amend Section 52324 of the Education Code, relating to career technical education. An act to amend Section 35021 of the Education Code, relating to school volunteers.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 940, as amended, Morrell. ~~Regional occupational centers and programs: attendance computation. Schools: volunteers: school facility maintenance or improvement.~~

*Existing law authorizes the governing board of any school district to permit a person, except a person required to register as a sex offender, as specified, to volunteer to supervise pupils during the school lunch period or any breakfast period or nutrition period, or to serve as a nonteaching volunteer aide under the immediate supervision and direction of the certificated personnel of the district, as specified. Existing law prohibits a school district from abolishing any of its classified positions and utilizing those volunteers for those services in place of classified employees laid off as a result of the abolition of a position.*

*This bill would delete this prohibition. The bill would authorize the governing board of a school district, as defined, to permit a person, except a person required to register as a sex offender, as specified, to volunteer time or resources under the supervision of a district employee for the maintenance or improvement of a school facility, as provided. The bill would prohibit a collective bargaining agreement entered into*

after January 1, 2014, from prohibiting a school district from using volunteers.

Existing law provides that it is the intent of the Legislature to permit a school district to use volunteer aids to enhance its educational program but not to permit displacement of classified employees nor to allow a district to utilize volunteers in lieu of normal employee requirements.

This bill would instead state that it is the intent of the Legislature to permit a school district to use volunteers to enhance its educational program or facilities but not to encourage displacement of classified employees nor to encourage districts to use volunteers in lieu of normal employee requirements.

~~Existing law authorizes the county superintendent of schools of each county, with the consent of the State Board of Education, to establish and maintain, or with one or more counties to establish and maintain, a regional occupational center, or regional occupational program, in the county to provide education and training in career technical courses. For purposes of funding apportionments, existing law specifies the computation for determining units of average daily attendance in the regional occupational centers or regional occupational programs of a county for a fiscal year.~~

~~This bill would make nonsubstantive changes to that provision regarding the attendance computation.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 35021 of the Education Code is amended  
2     to read:  
3     35021. (a) Notwithstanding any other law, any person, except  
4     a person required to register as a sex offender pursuant to Section  
5     290 of the Penal Code, may be permitted by the governing board  
6     of ~~any~~ a school district to perform the duties specified in Section  
7     44814 or 44815, or to serve as a nonteaching volunteer aide under  
8     the immediate supervision and direction of the certificated  
9     personnel of the district to perform noninstructional work ~~which~~  
10    that serves to assist the certificated personnel in performance of  
11    teaching and administrative responsibilities. With respect to this  
12    noninstructional work, the nonteaching volunteer aide shall serve

without compensation of any type or other benefits accorded to employees of the district, except as provided in Section 3364.5 of the Labor Code.

(b) ~~No district may abolish. Notwithstanding any of its classified positions and utilize volunteer aides, other law, any person, except a person required to register as authorized herein, in lieu of classified employees who are laid off as a result of a sex offender pursuant to Section 290 of the Penal Code, may be permitted by the abolition governing board of a position. A school district to volunteer time or resources under the supervision of a district employee for the maintenance or improvement of a school facility. With respect to this work, the volunteer shall not refuse serve without compensation of any type or other benefits accorded to employ a person in a vacant classified position and use volunteer aides in lieu employees of the district, except as provided in Section 3364.5 of filling the classified position. Labor Code.~~

(c) *Notwithstanding any other law, a collective bargaining agreement entered into after January 1, 2014, shall not prohibit a school district from using or encouraging volunteers pursuant to this section or any other section permitting or encouraging volunteers to participate in a school.*

~~(e)~~  
(d) *It is the intent of the Legislature to permit a school districts district to use volunteer aides volunteers to enhance its educational program or facilities but not to permit encourage displacement of classified employees nor to allow encourage districts to utilize use volunteers in lieu of normal employee requirements.*

(e) *For purposes of this section "school district" includes any county office of education or charter school.*

**SECTION 1.** ~~Section 52324 of the Education Code is amended to read:~~

~~52324. (a) Units of average daily attendance in the regional occupational centers or regional occupational programs of a county for a fiscal year are the quotient arising from dividing the total number of days of pupil attendance in the centers, or programs, during the fiscal year by 175.~~

~~(b) Attendance in regional occupational centers, or regional occupational programs, operated pursuant to subdivision (a) of Section 52305 shall be considered pupil attendance under this section, but attendance in regional occupational centers, or regional~~

1 ~~occupational programs, operated pursuant to subdivision (b) of~~  
2 ~~Section 52305 shall not be considered.~~  
3 ~~(e) As used in this section, "school district" includes each of~~  
4 ~~those districts that are cooperating in the maintenance of the center~~  
5 ~~or program, with the approval of the county superintendent of~~  
6 ~~schools, pursuant to Section 52301. Units of average daily~~  
7 ~~attendance of pupils residing in the school district shall be credited~~  
8 ~~to the school district.~~

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